

## **YOU HAVE THE RIGHT TO ORGANIZE YOUR WORKPLACE**

You and your fellow workers have a fundamental right, protected by law, to band together and negotiate vis-à-vis with your employer for better wages, benefits, hours, and working conditions.

If an individual worker demands a raise, he or she is very likely to get fired and replaced. If all or most workers threaten to withhold their work until their demands are met, managers must either negotiate with the employees or risk the financial burden of not having the workers necessary to keep their business running.

Together you are much more powerful than you are as individuals. No business can run without workers; by uniting, you can leverage the collective value of your work. Very few owners or managers want the people who work for them to join together—by keeping you divided they can keep a far greater percentage of the wealth that you produce.

It's important to recognize that there is an inherent conflict of interest between the interests of workers and the interests of management. Managers that are unencumbered by the demands of workers can retain more money for themselves by keeping the wages and benefits of workers low. What incentive do they have to look after your interests?

You may find the management of the company you work for to be genuinely kind and decent people, but even the most warm-hearted people cannot adequately represent the interests of a group of people whose interests directly conflict with their own. Imagine an altruistic prosecutor who seeks, with only the most genuine of intentions, to represent not only the government, but also the defendant on a contested charge. Here as well, there is no way to avoid the fact that a latent conflict of interest would fog the judgment of the prosecutor. Few would doubt that there could only be a fair trial if the prosecutor was representing the government and another attorney fighting vigorously for the interests of the defendant. Management can never adequately represent the interests of workers. Only workers themselves truly have the best interests of workers at heart.

## **WHERE DO I START?**

The process for organizing is governed by the National Labor Relations Act of 1935 ("NLRA"), which was signed into law by President Franklin Delano Roosevelt. The NLRA created the National Labor Relations Board ("NLRB"), the federal agency that is responsible for administering the NLRA and encouraging collective bargaining between workers and management.

You can start by forming a union of your own. Unions are generally unincorporated organizations so no formalities are required. If you form your own union, you and some of your fellow workers would eventually negotiate directly with your employer over the terms of a contract that would cover all workers. Or, you can pick a union that is already in existence to represent you and your fellow workers. Some unions are more specialized and tend to represent only certain groups of workers; others are more varied in the workers they represent. If you bring in an outside union to bargain on your behalf, a representative from the union would, among other things, assist you in negotiating a contract.

The process usually starts with an election. In order to get an election, you need the authorization of at least 30% of the people you expect the union to represent. You would then send those authorizations to your nearest NLRB regional office along with a petition form. (For information regarding the technical requirements and process, call your regional NLRB office: <http://www.nlr.gov/who-we-are/regional-offices>). The NLRB will then send agents to help set up a secret ballot election.

In the run up to the election most employers hire a 'union-busting' consulting firm or law firm. Unlike in most of Europe and many countries throughout the world, employers in the United States are given wide latitude in the actions they can take to deceive and intimidate workers into voting against union representation. Expect all manner of dirty tricks designed to undermine the solidarity of workers and make you believe that union representation will only be self-defeating, such as closed-door one-on-one meetings with employees where various veiled threats are made, and on the clock anti-union speeches. Keep in mind, however, that there are a number of important protections for workers. Under no circumstances may management take any of the following actions against you:

- Prohibit you from promoting a union during non-work time, such as before or after work or during break times; or from distributing union literature during non-work time, in non-work areas, such as parking lots or break rooms.
- Question you about your union support or activities in a manner that discourages you from engaging in that activity.
- Fire, demote, or transfer you, or reduce your hours or change your shift, or otherwise take adverse action against you, or threaten to take any of these actions, because you join or support a union, or because you engage in concerted activity for mutual aid and protection.
- Threaten to close your workplace if workers choose a union to represent them.
- Promise or grant promotions, pay raises, or other benefits to discourage union support.
- Prohibit you from wearing union hats, buttons, t-shirts, and pins in the workplace except under special circumstances.
- Spy on or videotape union activities and gatherings or pretend to do so.

If management takes any of these actions against you or your coworkers, you should contact your regional NLRB office immediately. Among other remedies, the NLRB can order a company to stop its illegal behavior, and rehire and pay lost wages and benefits to an illegally fired worker.

When the majority of votes cast are in favor of union representation, management is required to recognize the union as the sole representative of the workers. The union can then negotiate with management for better wages, benefits, hours, and working conditions.

Organizing a workplace is certainly not for the faint of heart. It takes courage to confront and demand respect from those who assert authority over you. It's natural to feel powerless when you're going it alone, but if you and your fellow workers stand together in your struggle, you can take the power back and better your lives by adding a significant degree of democracy to an otherwise proudly autocratic institution.